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ESTATE OF SANDRA LEE HARMON,  
by and through successor in interest SARAH GATLIFF,  
and SARAH GATLIFF individually

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF SANDRA LEE HARMON, by  
and through successor in interest SARAH  
GATLIFF, and SARAH GATLIFF  
individually,

Plaintiffs,

v.

COUNTY OF SAN MATEO, SAN MATEO  
COUNTY SHERIFF'S OFFICE, SAN MATEO  
COUNTY DISTRICT ATTORNEY'S OFFICE,  
DAVID DOMINGUEZ, JOHN BABA, JAMES  
GOULART, CARLOS G. BOLANOS,  
STEPHEN M. WAGSTAFFE, CITY OF HALF  
MOON BAY, and DOES 1-150,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES**

- 1. EXCESSIVE FORCE**
- 2. LOSS OF FAMILIAL ASSOCIATION**
- 3. SPOILIATION OF EVIDENCE**
- 4. CONSPIRACY**
- 5. SUPERVISORY LIABILITY**
- 6. MUNICIPAL LIABILITY**
- 7. WRONGFUL DEATH**
- 8. NEGLIGENCE**
- 9. NEGLIGENT SUPERVISION,  
TRAINING, AND RETENTION**

**(42 U.S.C. § 1983 and pendent state claims)**

*JURY TRIAL DEMANDED*

*REQUEST FOR PUNITIVE DAMAGES*

1 COME NOW PLAINTIFFS, ESTATE OF SANDRA LEE HARMON, by and through  
2 successor in interest SARAH GATLIFF, and SARAH GATLIFF individually, who make  
3 complaint against each and every Defendant and allege as follows:

4 INTRODUCTION

5 1. This civil rights action arises out of the killing of SANDRA LEE HARMON  
6 (“HARMON”) on May 5, 2020, in Half Moon Bay, County of San Mateo, CA. San Mateo  
7 County Deputy Sheriff DAVID DOMINGUEZ (“DOMINGUEZ”) fired first at Ms. HARMON,  
8 a mentally ill woman, who then fired harmlessly away from him and in the air. Then, as she  
9 stood obeying his commands, with her arms and the shotgun above her head and her back to him,  
10 DOMINGUEZ shot her fatally in the back despite the fact that she was not an imminent threat to  
11 him or anyone else. Even though she was fatally wounded, Ms. HARMON would continue to  
12 live and to suffer for several more minutes. San Mateo County Deputy Sheriff JOHN BABA  
13 (“BABA”) joined the scene, firing three rounds into Ms. Harmon in various parts of her body. In  
14 all, Ms. HARMON was shot eight times. The San Mateo County Coroner’s Office, who deemed  
15 the killing a homicide, found DOMINGUEZ’ first shot to the back was the fatal one, in  
16 combination with one other shot to her back and an additional shot to the left side of her torso.

17 2. Ms. HARMON was a loving mother to SARAH GATLIFF, and she was loved  
18 deeply in return. Her death has been an immeasurable loss and sadness to Ms. GATLIFF.

19 3. DOMINGUEZ, the San Mateo County deputy sheriff primarily responsible for  
20 Plaintiff’s death, violated standard police protocol and that of the SAN MATEO COUNTY  
21 SHERIFF’S OFFICE (“SMCSO”) at least twice on the night of the shooting: 1) by failing to wait  
22 for back-up to arrive before proceeding to make contact with Ms. HARMON in the RV; and 2)  
23 by failing to turn on his body camera when initiating contact with Ms. HARMON, despite  
24 having ample time to do so. In the alternative to DOMINGUEZ’ failure to turn on his body  
25 camera, DOMINGUEZ turned on his body camera, but the captured footage was not uploaded as  
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1 required and its existence has been covered-up by all Defendants. In either alternative, on the  
2 night of the shooting, San Mateo County Deputy Sheriff JAMES GOULART (“GOULART”)  
3 was the sergeant in charge at the scene. Inspectors from the SAN MATEO COUNTY  
4 DISTRICT ATTORNEYS’ OFFICE (“SMCDAO”) were also present and took possession of  
5 several items from DOMINGUEZ and BABA, except their body cameras; the deputies  
6 maintained possession and control of those. The footage from BABA’s camera was held by  
7 GOULART and/or BABA and was not uploaded to the investigators until the next day, 12-18  
8 hours after the shooting. Proper chain-of-custody information was not maintained for the BABA  
9 video, nor for the body cameras of DOMINGUEZ or BABA; not by the deputies, GOULART,  
10 nor the SMCDAs inspectors. At some point in time, the video was altered from high resolution to  
11 low resolution by Defendants. DOMINGUEZ then conspired with GOULART, BABA,  
12 BOLANOS, and SMCSO in conjunction with SMCDAO and WAGSTAFFE to knowingly  
13 publish the low resolution video marked as “unaltered” within the Critical Incident video.  
14 Further, these Defendants purposefully failed to include critical audio recordings that  
15 demonstrate unequivocally that DOMINGUEZ fired first at Ms. HARMON that night. Acts of  
16 spoliation of evidence by all Defendants include but are not limited to: presenting a false  
17 statement of facts that includes the narrative that Ms. HARMON fired first, the Incident Report  
18 filed by DOMINGUEZ; the Critical Incident video that was created by COUNTY OF SAN  
19 MATEO, SMCSO, SMCDAO, BOLANOS, and by contract CITY OF HALF MOON BAY;  
20 alteration of the BABA video; faulty and fraudulent investigation by WAGSTAFFE and  
21 SMCDAO; and omitting any request for DOMINGUEZ’ body camera records from Axon, the  
22 company that controls the information.

23 4. Although at all relevant times it was well known to Defendants SAN MATEO  
24 COUNTY, SMCDAO, SMCSO, CITY OF HALF MOON BAY, WAGSTAFFE and BOLANOS  
25 that 80% of all police shootings in the state involve mentally ill people, Defendants SAN  
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1 MATEO COUNTY, SMCSO, BOLANOS, and CITY OF HALF MOON BAY did not  
2 adequately train Defendants DOMINGUEZ and BABA to deal with mentally ill people in the  
3 community. Instead, Deputies DOMINGUEZ and BABA were instructed repeatedly on tactical  
4 responses involving only the use of lethal force.

5 JURISDICTION & VENUE

6 5. This action is brought pursuant to 42 U.S.C. §§ 1983 and the Fourth and  
7 Fourteenth Amendments to the United States Constitution. Jurisdiction is based upon 28 U.S.C.  
8 §§ 1331 and 1343.

9 6. The claims alleged herein arose in San Mateo County in the State of California.  
10 Venue for this action lies in the United States District Court for the Northern District of  
11 California under 28 U.S.C. § 1391(b)(2).

12 7. Pursuant to Gov. Code Sec. 910, and the Governor's Executive orders extending  
13 the time to submit California government claims, six-months tort claims were timely submitted  
14 to the COUNTY OF SAN MATEO on November 4, 2020, and the CITY OF HALF MOON  
15 BAY on November 29, 2020, with supplemental tort claims submitted in January and February  
16 2021.

17 8. With respect to Plaintiffs' supplemental state claims, Plaintiffs request this Court  
18 exercise supplemental jurisdiction over such claims as they arise from the same facts and  
19 circumstances which underlie the federal claims.

20 PARTIES

21 9. Ms. HARMON was, at all relevant times, a resident of San Mateo County, and is  
22 the natural mother of SARAH GATLIFF.

23 10. The claims made by the ESTATE OF SANDRA LEE HARMON, are brought by  
24 and through SARAH GATLIFF, the successor in interest to the Estate of SANDRA LEE  
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1 HARMON pursuant to California Code of Civil Procedure § 377.32. SARAH GATLIFF, an  
2 individual, also brings her own claims for the wrongful killing of her mother.

3 11. COUNTY OF SAN MATEO is a public entity situated in the State of California  
4 and organized under the laws of the State of California. COUNTY OF SAN MATEO is  
5 responsible for the actions, omissions, policies, procedures, practices and customs of its various  
6 agents and agencies. At all times relevant to the facts alleged herein, COUNTY OF SAN  
7 MATEO was responsible for assuring that the acts, omissions, policies, procedures, practices  
8 and customs of its employees complied with the laws and the Constitutions of the United States  
9 and of the State of California.

10 12. SMCSO and SMCDAO are both subdivisions and/or agencies of COUNTY OF  
11 SAN MATEO.

12 13. At all relevant times, BOLANOS was the elected Sheriff of San Mateo County  
13 and an agent of SAN MATEO COUNTY.

14 14. At all relevant times, WAGSTAFFE was the elected District Attorney of San  
15 Mateo County and an agent of SAN MATEO COUNTY.

16 15. At all relevant times, DOMINGUEZ was a deputy sheriff and employee of the  
17 COUNTY OF SAN MATEO, acting at the time of the shooting as CITY OF HALF MOON  
18 BAY police, by contract between the SMCSO and the CITY OF HALF MOON BAY.

19 16. At all relevant times, BABA was a deputy sheriff and employee of the COUNTY  
20 OF SAN MATEO, acting at the time of the shooting as CITY OF HALF MOON BAY police, by  
21 contract between the SMCSO and the CITY OF HALF MOON BAY.

22 17. At all relevant times, GOULART was a deputy sheriff with the rank of sergeant  
23 and employee of the COUNTY OF SAN MATEO, acting at the time of the shooting as CITY OF  
24 HALF MOON BAY police, by contract between the SMCSO and the CITY OF HALF MOON  
25 BAY.

1           18.     The true names and capacities, whether individual, corporate, associate or  
2 otherwise, of Defendants DOES 1 through 150, inclusive, are unknown to the Plaintiffs, who  
3 therefore sue said Defendants by such fictitious names. Defendants DOES 1 through 150, and  
4 each of them, were responsible in some manner for the injuries and damages alleged herein.  
5 Plaintiffs are informed and believe and thereupon allege upon information and belief that each of  
6 them is responsible, in some manner, for the injuries and damages alleged herein.

7           19.     In doing the acts and/or omissions alleged herein, the individual Defendants,  
8 including DOES 1 through 150, acted in concert with each of the other Defendants herein.

9           20.     At all relevant times, BOLANOS acted under color of state law in the course and  
10 scope of his duties as the Sheriff of San Mateo County.

11           21.     At all relevant times, WAGSTAFFE acted under color of state law in the course  
12 and scope of his duties as the Sheriff of San Mateo County.

13           22.     At all relevant times, DOMINGUEZ, BABA and GOULART acted under color of  
14 state law in the course and scope of their duties as agents and employees of the COUNTY OF  
15 SAN MATEO.

16           23.     Each of the Defendants caused and is responsible for the unlawful conduct  
17 resulting in the death of SANDRA LEE HARMON by personally participating in the conduct,  
18 or acting jointly and in concert with others who did so; or by authorizing, acquiescing or failing  
19 to take action to prevent the unlawful conduct; or by promulgating policies and procedures  
20 pursuant to which the unlawful conduct occurred; or by failing and refusing to initiate and  
21 maintain adequate supervision, discipline, and/or training; or by liability through contractual  
22 relations.

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1 rounds in quick succession, possibly wounding her in her right arm, even though Ms. HARMON  
2 had not fired the shotgun. Ms. HARMON discharged two rounds harmlessly into the air in a  
3 direction toward the restaurant and away from DOMINGUEZ, who was moving to the front of  
4 his vehicle. Ms. HARMON then emerged from behind the RV and DOMINGUEZ began rapidly  
5 shooting at her while simultaneously shouting orders. DOMINGUEZ ordered Ms. HARMON to  
6 stand holding the shotgun with both hands over her head and her back to the deputy. Ms.  
7 HARMON immediately complied. When DOMINGUEZ fired his fourth shot into HARMON  
8 she had her back to DOMINGUEZ, with her arms above her head and the shotgun held  
9 horizontally in both hands so it was impossible to fire. At the moment of the fifth and final shot  
10 of the series, the shotgun was laying approximately four to six feet away from her, having fallen  
11 from above her head on the fourth shot.

12         28. Since she had just been shot while complying with orders, Ms. HARMON  
13 understandably reacted in fear as BABA and DOMINGUEZ both continued to shout at her. First  
14 she attempted to flee, but realizing she had no escape she turned back towards the deputies and  
15 screamed at them in frustration. She then ran back to the shotgun that was lying on the ground  
16 from where she had dropped it and as she reached down she was shot an additional 6 times by  
17 both deputies. But for the wrongful actions of DOMINGUEZ, Ms. HARMON would not have  
18 felt the need to react as she did; attempting to protect herself from further attack by  
19 DOMINGUEZ.

20         29. These events were partially captured on both the body-worn camera of BABA,  
21 who arrived on the scene after the shooting had begun, and audio recording devices from BABA  
22 and other deputies. BABA's video shows HARMON with her hands above her head and her  
23 back to DOMINGUEZ for several seconds proceeding and at the moment she is fatally wounded.

24         30. The audio files obtained from the recording devices of BABA and other deputies  
25 all confirm that DOMINGUEZ discharged his weapon three times *prior* to any shots that Ms.  
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1 Harmon might have fired, despite DOMINGUEZ and the other Defendants falsely reporting that  
2 Ms. HARMON fired first.

3 31. In the official investigation by the SMCDAO and WAGSTAFFE, DOMINGUEZ'  
4 violations of protocol are purposefully not cited as violations of protocol: failure to turn on his  
5 body camera when initiating contact and failure to call in and wait for back-up at the scene. The  
6 body camera violation was dismissed as an acceptable mistake, despite the fact DOMINGUEZ  
7 initiated the contact while under no time pressure at all, while the failure to wait for back-up was  
8 simply ignored. Then, in furtherance of the wrongdoing, SMCDAO and WAGSTAFFE refused  
9 to subpoena Axon camera log files to determine if DOMINGUEZ' body camera or vehicle  
10 cameras had actually been activated, instead saying the investigators took DOMINGUEZ "at his  
11 word," even though he was the person being investigated. Unbelievably, they did not consider  
12 audio files from the Deputies' cars and cameras that were readily available. Failing to subpoena  
13 the records and consider the audio files were purposeful acts to assist in concealing, suppressing,  
14 or destroying certain facts and records and spoliating the evidence.

15 32. Also omitted in WAGSTAFFE'S official investigation report was any discussion  
16 of why DOMINGUEZ fired his weapon first and why he fired at a person standing with her arms  
17 above her head and her back to the deputy. These acts further demonstrate the relationship of  
18 conspiracy and convenience between the SMCDAO, DOMINGUEZ, WAGSTAFFE,  
19 BOLANOS, and the other Defendants. All of these acts were performed in violation of duties,  
20 laws, and/or to mislead the public about the killing of Ms. HARMON.

21 33. The most egregious public-facing act of SMCDAO and WAGSTAFFE, done in  
22 concert with the SMCSO, DOMINGUEZ and BABA, was the release of the "Critical Incident  
23 Video" on the SMCSO website on June 15, 2020. This video primarily contains the BABA body  
24 camera footage of the shooting with BOLANOS talking. In the presentation to the public,  
25 BABA's video of the shooting is presented in low resolution although it had been shot in high  
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1 resolution and it is specifically labeled “Unaltered.” It had been altered by reducing the bit-rate  
2 to less than 50% of the original, making the video grainy and pixilated. This act of spoliating  
3 evidence and then presenting it as “unaltered” was done purposefully to mislead the public and to  
4 suppress certain facts and actions of the Sheriff’s deputies with regard to the shooting of Ms.  
5 HARMON. These acts violate both state and federal law and were done in concert with all other  
6 Defendants.

7 34. In the alternative to DOMINGUEZ’ violation for failure to turn on his body  
8 camera, DOMINGUEZ did turn his body camera on as he approached the RV at Pasta Moon  
9 restaurant, and captured the entire scene involving Ms. HARMON’s shooting from his body  
10 camera. In violation of law, procedure and protocol, DOMINGUEZ then took steps, in collusion  
11 with all other Defendants, to conspire to conceal, suppress, and/or destroy the evidentiary video  
12 footage so that it was not available for review. WAGSTAFFE and BOLANOS are both aware  
13 the footage exists or existed, or they failed to take reasonable steps to determine if the footage  
14 exists or existed, and then misrepresented to the public the thoroughness of the investigation and  
15 the non-existence of DOMINGUEZ’ body camera footage. This was done for purposes of  
16 concealing facts and suppressing or altering evidence.

17 STATEMENT OF DAMAGES

18 35. As a result of the acts and/or omissions alleged herein, Plaintiff SANDRA LEE  
19 HARMON, bringing this action by and through her Estate, suffered general damages including  
20 extreme and severe pain and suffering, both physical and mental, in an amount to be determined  
21 according to proof.

22 36. As a result of the acts and/or omissions alleged herein SARAH GATLIFF, an  
23 individual, was deprived of familial association with her mother, including the loss of her  
24 comfort and society in an amount to be determined according to proof. Further, GATLIFF  
25 suffered extreme emotional distress at the release of the distorted Critical Incident video.

1           37.     The acts and omissions of Defendants COUNTY OF SAN MATEO, SMCSO,  
2     SMCDAO, DOMINGUEZ, BABA, BOLANOS, WAGSTAFFE, and CITY OF HALF MOON  
3     BAY were willful, wanton, reckless, malicious, oppressive and/or done with a conscious or  
4     reckless disregard for the rights of Plaintiffs. Plaintiffs therefore pray for an award of punitive  
5     and exemplary damages against these Defendants in an amount according to proof.

6           38.     Plaintiffs have retained private counsel to represent them in this matter and are  
7     entitled to an award of attorneys' fees and costs.

8                                 CAUSES OF ACTION

9                                 **FIRST CAUSE OF ACTION**

10          [42 U.S.C. § 1983 – EXCESSIVE FORCE – DEFENDANTS DOMINGUEZ AND BABA]

11          39.     Plaintiffs hereby re-allege and incorporate by reference as though fully set forth  
12     herein all prior paragraphs of this Complaint.

13          40.     Defendants DOMINGUEZ and BABA violated SANDRA LEE HARMON's  
14     right to be free from excessive and unreasonable force as guaranteed by the First and Fourth  
15     Amendments to the United States Constitution.

16          41.     An objectively reasonable officer would have known that the use of excessive and  
17     unreasonable force on SANDRA LEE HARMON would cause severe and excruciating pain and  
18     suffering and death.

19          42.     Defendants DOMINGUEZ and BABA acted willfully, wantonly, maliciously,  
20     oppressively, and with conscious disregard to Plaintiff's rights.

21          43.     These Defendants' misconduct caused Plaintiff to suffer excruciating pain, mental  
22     anguish, and fear before she died.

23     WHEREFORE, Plaintiff Estate of SANDRA LEE HARMON prays for relief as hereinafter set  
24     forth.

**SECOND CAUSE OF ACTION**

[42 U.S.C. § 1983 – DEPRIVATION OF FAMILIAL ASSOCIATION –  
DEFENDANTS DOMINGUEZ AND BABA]

44. Plaintiffs hereby re-allege and incorporate by reference as though fully set forth herein all prior paragraphs of this Complaint.

45. By and through the acts and omissions alleged herein, Defendants DOMINGUEZ and BABA deprived Plaintiffs of the familial relationship between mother and daughter, thereby violating both Plaintiffs' rights under the First and Fourteenth Amendments to the Constitution of the United States. These Defendants acted with deliberate indifference and/or a purpose to harm SANDRA LEE HARMON, thus causing her death.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

**THIRD CAUSE OF ACTION**

[42 U.S.C. § 1983 – SPOILIATION OF EVIDENCE -  
ALL DEFENDANTS]

46. Plaintiffs hereby re-allege and incorporate by reference as though fully set forth herein all prior paragraphs of this Complaint.

47. By and through the acts and omissions alleged herein, Defendants and each of them acted individually and in concert to suppress, tamper with, change, and/or conceal pertinent evidence instead putting forth a knowingly false narrative. This was known by DOMINGUEZ, BABA, GOULART, and possibly other deputies present that night. This false information became known to BOLANOS, WAGSTAFFE, SMCD AO, and SMCSO, who acted or omitted actions to further spoli ate the evidence. The deliberate and intentional acts of spoliation include but are not limited to: actively concealing the evidence that showed that DOMINGUEZ fired first, including audio and video files, as well as actively working to alter, suppress and/or eliminate entirely the footage of Ms. HARMON being shot in the back by DOMINGUEZ while

1 she was unarmed. Finally, all Defendants were involved with the filing of multiple incident  
2 reports and the publication of the Critical Incident video, all of which stated known inaccuracies.

3 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

4 **FOURTH CAUSE OF ACTION**

5 [42 U.S.C. § 1983 – CONSPIRACY –

6 ALL DEFENDANTS]

7 48. Plaintiffs hereby re-allege and incorporate by reference as though fully set forth  
8 herein all prior paragraphs of this Complaint.

9 49. Through their collective acts and actions, SMCSO, BOLANOS, DOMINGUEZ,  
10 BABA, and GOULART agreed with SMCD AO and WAGSTAFFE, and CITY OF HALF  
11 MOON BAY to present inaccurate facts to the family of Ms. HARMON, knowingly present a  
12 false narrative to the public, alter video and present it as “unaltered”, suppress pertinent audio  
13 and video files for the purpose of concealing Defendants’ wrongdoing and to avoid civil and  
14 criminal liability. Acting in furtherance of the conspiracy, Defendants presented false reports,  
15 spoke falsely to the public, published the altered Critical Incident video, and omitted audio files.  
16 All acts and omissions were done with knowledge and intent.

17 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

18 **FIFTH CAUSE OF ACTION**

19 [42 U.S.C. §1983 – SUPERVISORY LIABILITY – DEFENDANT CARLOS G. BOLANOS]

20 50. Plaintiffs hereby re-allege and incorporate by reference as though fully set forth  
21 herein all prior paragraphs of the Complaint.

22 51. In 2016, Defendant BOLANOS was elected Sheriff of San Mateo County after  
23 serving as undersheriff for nine years, where he ran the day-to-day operations of the office. In  
24 these capacities, Defendant BOLANOS was on notice for many years that 80% of all police  
25 shootings involve mentally ill individuals. Despite this knowledge and experience, BOLANOS  
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1 failed to train his deputies, including DOMINGUEZ and BABA, in tactics to deal with mentally  
2 persons, de-escalation tactics, and the use of non-lethal force with such persons. Such training is  
3 basic, usual, and necessary in the course of running a Sheriff's office. Failing to provide  
4 adequate training to his deputies led to DOMINGUEZ responding with lethal force to Ms.  
5 HARMON as she stood with her hands above her head and her back to DOMINGUEZ  
6 complying with his orders.

7 52. BOLANOS knew that DOMINGUEZ was improperly trained and as a direct  
8 result would be unable to properly handle a situation like that of May 5, 2020, in Half Moon  
9 Bay, yet he failed to take any remedial steps to prevent such lethal encounters, constitutional  
10 violations, and improper policing of the community. Defendant BOLANOS engaged in conduct  
11 through these acts and omissions that demonstrated a reckless and callous indifference to the  
12 rights of the public he was elected to serve, including SANDRA LEE HARMON.

13 53. The conduct of Defendant BOLANOS was so closely related to the deprivation of  
14 Plaintiffs' rights as to have been the moving force that caused Ms. HARMON's suffering and  
15 death.

16 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

17 **SIXTH CAUSE OF ACTION**

18 [42 U.S.C. §1983 – MUNICIPAL LIABILITY FOR UNCONSTITUTIONAL CUSTOMS AND  
19 PRACTICES – DEFENDANTS COUNTY OF SAN MATEO  
20 AND CITY OF HALF MOON BAY]

21 54. Plaintiff hereby re-alleges and incorporates through reference all prior paragraphs  
22 of the Complaint.

23 55. On or before May 5, 2020, and prior to Ms. HARMON's death, Defendant  
24 COUNTY OF SAN MATEO and CITY OF HALF MOON BAY were aware that San Mateo  
25 County Sheriff's deputies were improperly trained, engaged in a custom and practice of reckless  
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1 and dangerous use of violence especially when dealing with mentally ill persons, and that  
2 DOMINGUEZ and BABA were improperly trained and thus would cause escalation of the  
3 situations they responded to. Further, nearly all training they did receive focused on lethal force  
4 as the only alternative.

5 56. Through its final policymakers the COUNTY OF SAN MATEO and CITY OF  
6 HALF MOON BAY, acting with deliberate indifference to the rights of Ms. HARMON and her  
7 family, and of the public in general, knowingly maintained, enforced, and applied customs and  
8 practices of:

9 a. Encouraging, accommodating, or ratifying DOMINGUEZ's use of excessive,  
10 unreasonable, and deadly force against mentally ill persons.

11 b. Encouraging, accommodating, or facilitating a code of silence among deputies,  
12 employees, and supervisors, pursuant to which false reports were generated, evidence was  
13 spoliated, excessive and unreasonable force was covered up, whistleblowers were punished, and  
14 internal and District Attorney investigations were performed with predetermined outcomes.  
15 Further, vital evidence was purposefully not requested or sought in the investigation of the  
16 shooting by the SMCDAO and WAGSTAFFE, and instances of perjury and dishonesty were  
17 ignored.

18 c. Employing and retaining deputies such as DOMINGUEZ and BABA, who the  
19 County knew, or in the exercise of reasonable care should have known, were violent, abused  
20 their authority, and mistreated members of the public, especially those with mental illness.

21 d. Inadequately supervising, training, and disciplining deputies including  
22 DOMINGUEZ and BABA, who the County knew, or in the exercise of reasonable care should  
23 have known, would improperly escalate any confrontation, would improperly use lethal force,  
24 would be violent, would abuse their authority, and would mistreat members of the public.

1 e. Maintaining grossly inadequate procedures for reporting, supervising,  
2 investigating, reviewing, disciplining and controlling reckless and intentional misconduct by  
3 deputies, especially by using the SMCDAO to investigate all police shootings and failing to  
4 follow minimally sufficient investigation protocols and procedures.

5 f. NEVER disciplining deputies for excessive force, no matter the circumstances,  
6 thereby adopting a de facto policy that deputies would never be disciplined no matter how much  
7 force they used. Deputy DOMINGUEZ was aware of this practice.

8 57. By reason of the aforementioned customs and practices, SANDRA LEE  
9 HARMON was grievously injured and subjected to unbearable and excruciating physical and  
10 mental pain and suffering, before being ultimately killed.

11 58. COUNTY OF SAN MATEO through officials named and unnamed had actual or  
12 constructive knowledge of the constitutionally deficient customs and practices alleged above.  
13 Yet despite this knowledge, COUNTY OF SAN MATEO accepted and condoned these illegal  
14 customs and practices, thereby ratifying them, and acted with deliberate indifference to the  
15 foreseeable effects and consequences of these policies with respect to rights of Ms. HARMON,  
16 her family, and the general public.

17 59. These customs and practices were so closely related to the deprivation of  
18 Plaintiffs' rights as to be the moving force that caused the ultimate injuries to SANDRA LEE  
19 HARMON.

20 60. By reason of the aforementioned acts and omissions, SANDRA LEE HARMON  
21 was killed, and her daughter suffered the irreparable loss of her love, affection, society, and  
22 moral support.

23 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.  
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PENDENT STATE CLAIMS

**SEVENTH CAUSE OF ACTION**

[WRONGFUL DEATH/NEGLIGENCE PER SE – DEFENDANTS COUNTY OF  
SAN MATEO AND DOMINGUEZ]

61. Plaintiff hereby re-alleges and incorporates through reference all prior paragraphs of the Complaint.

62. Defendant DOMINGUEZ, while working in the course and scope of his employment as a San Mateo County deputy sheriff, employed negligent tactics and intentionally and/or without due care killed SANDRA LEE HARMON. Plaintiff's death directly resulted from DOMINGUEZ's unsafe, improper, unnecessary, and negligent acts, and as a result of these intentional and negligent acts, SANDRA LEE HARMON suffered serious physical and mental injuries and ultimately died. DOMINGUEZ lacked any reasonable justification for killing SANDRA LEE HARMON.

63. DOMINGUEZ's actions were in direct violation of Cal. Pen. Code § 835(a), use of force by a police officer.

64. DOMINGUEZ's actions were in direct violation of Cal. Pen. Code § 243(d), battery causing serious bodily injury.

65.. DOMINGUEZ's actions were in direct violation of Cal. Pen. Code § 245(a)(1), assault with a deadly weapon.

66. DOMINGUEZ's actions were in direct violation of Cal. Pen. Code § 245(a)(4), assault with force likely to cause great bodily injury.

67. DOMINGUEZ's actions were in direct violation of Cal. Pen. Code §§ 192(a), voluntary manslaughter, 192(b), involuntary manslaughter, and/or 187(a), murder in the second degree.



PRAYER FOR RELIEF

Plaintiff prays for relief as follows:

1. For compensatory and economic damages according to proof;
2. For general damages according to proof;
3. For an award of exemplary or punitive damages against the individual Defendants;
4. For an award of attorneys' fees and costs as permitted by law; and
5. For such other and further relief as the Court may deem necessary and appropriate.

JURY TRIAL DEMANDED

Plaintiff hereby requests a jury trial on all issues so triable.

Dated: 03/01/2021

Respectfully Submitted,  
LAW OFFICE OF DAVID R. BUSH

By: /david r. bush/  
David R. Bush, Attorney for Plaintiffs  
ESTATE OF SANDRA LEE HARMON  
and SARAH GATLIFF